

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-34859 - APPLICANT: FUN CITY MOTEL - OWNER: CHETAK DEVELOPMENT CORPORATION

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 16, 2009 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN REESE.

**** CONDITIONS ****

The Planning Commission (6-0-1/rt vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. The applicant shall work with the Department of Building and Safety to comply with all requirements of the Building Code, including, but not limited to, the provision of exiting and restrooms as required, prior to the issuance of a Certificate of Occupancy for the site.
2. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Liquor Establishment (Tavern) use.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed Liquor Establishment (Tavern) with a waiver of the distance separation of 1500 feet and a waiver of the parking requirements for the subject property located at 2233 South Las Vegas Boulevard. The applicant is proposing to operate a facility for the sale of alcoholic beverages for consumption on the premise. Currently, the site consists of a wedding chapel, commercial retail development area, and where the proposed use it to be located is an existing 825 square foot motel office space that is within an existing motel. If denied, the proposed use will have to be relocated to a more suitable location with ample parking. Staff is recommending approval of the request as it is a permitted use within the C-2 (General Commercial) zoning district and can be conducted in a manner that is compatible with surrounding land uses.

Issues

- The floor plan for the proposed uses shows one restroom – it not clear whether the restroom is to service the staff or the customers. The plan also shows an inadequate access route for getting to the restroom.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
07/16/02	A deed was recorded for change of ownership.
12/04/02	The City Council approved request for a Vacation (VAC-0070-02) to vacate a public alley generally located north of Sahara Avenue. The Planning Commission recommended approval.
11/03/05	The Planning Commission pulled from the agenda a request for a Special Use Permit (SUP-9200) for a tavern and a Waiver of the minimum distance separation requirement from a similar use at 2233 South Las Vegas Boulevard.
01/09/08	The City Council approved request for a Special Use Permit (SUP-25068) for a proposed packaged liquor off-sale establishment at 2301 South Las Vegas Boulevard. The Planning Commission recommended approval.
01/07/09	The City Council approved a request for an Extension of Time (EOT-31998) of an approved Special Use Permit (SUP-25068) for a proposed packaged liquor off-sale establishment at 2301 South Las Vegas Boulevard.
04/09/09	The Planning Commission denied a request for a Minor Site Development Plan Review (SDR-33476) for the installation of a wireless communication facility, stealth design consisting of three antennas to an existing sign on top of the roof of an existing building located at 2233 S. Las Vegas Boulevard

07/01/09	The City Council request for a Special Use Permit (SUP-34158) for a proposed wireless communication facility, stealth design within an existing 61-foot sign at 2233 South Las Vegas Boulevard. The Planning Commission recommended approval.
08/13/09	The Planning Commission voted 6-0-1/rt to recommend APPROVAL (PC Agenda Item #17/ao).
<i>Related Building Permits/Business Licenses</i>	
11/28/89	A building permit (#89047964) was issued for the retrofit of rooms at 2233 South Las Vegas Boulevard. The permit was completed on 05/25/90.
01/02/90	A building permit (#90051709) was issued for remodeling at 2233 South Las Vegas Boulevard. The permit was completed on 02/28/90.
04/02/90	A building permit (#90063103) was issued for the retrofit of rooms at 2233 South Las Vegas Boulevard. The permit was completed on 05/25/90.
03/13/92	A building permit (#92139235) was issued for the exterior remodeling at 2233 South Las Vegas Boulevard. The permit was completed on 02/18/93.
02/04/93	A business license (#W01-00022) was issued for a wedding chapel at 2233 South Las Vegas Boulevard. This license is still active.
05/04/93	A business license (#M06-00267) was issued for miscellaneous sales at 2233 South Las Vegas Boulevard. This license is still active.
10/09/00	A business license (#W01-00040) was issued for a wedding chapel at 2233 South Las Vegas Boulevard. This license is still active.
01/05/01	A business license (#C05-01887) for a tobacco dealer at 2307 South Las Vegas Boulevard. This license is still active.
03/30/04	A business license (#M08-00034) for a motel at 2233 South Las Vegas Boulevard. This license is still active.
06/06/07	A business license (#M06-99690) for miscellaneous sales at 2301 South Las Vegas Boulevard. This license is still active.
12/06/05	A business license (#C07-03460) for a Clothing Store at 2303 South Las Vegas Boulevard. The license was marked out of business on 01/15/09.
08/16/07	A business license (#R11-92103) for Reflexology Practitioner at 2301 South Las Vegas Boulevard. The license was marked out of business on 12/13/08.
12/08/08	Business licenses (#L15-95907, C05-96244, M06-95920, W10-95917 and C23-95916) were submitted to the business license department for package liquor, tobacco dealer, miscellaneous sales, wire service and check cashing service limited at 2301 South Las Vegas Boulevard.
01/15/09	A business license (#C07-03460) expired for a clothing store at 2303 South Las Vegas Boulevard.
02/09/09	A business license (#S15-00065) was issued for a smoke shop at 2307 South Las Vegas Boulevard.
05/22/09	A business license (#B08-00847) for beauty and cosmetic sales at 2305 Las Vegas Boulevard. The license was marked out of business on 10/12/06.
06/30/09	A business license (#E02-00878) was issued for Equipment Rental & Leasing at 2305 South Las Vegas Boulevard.

<i>Pre-Application Meeting</i>	
No pre-application for this was done.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one conducted.	
<i>Field Check</i>	
07/09/09	<p>During a routine site inspection staff observed:</p> <ul style="list-style-type: none"> • The existing two story motel building within which is the proposed 825 square feet tavern space is currently used as the motel office and is in generally good condition. • The subject site has limited parking. • There are a few other taverns within walking distance of the proposed Liquor Establishment (Tavern). • The streetscape does not conform to the standards of the Las Vegas Boulevard downtown district design standards.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.89 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Motel	C (Commercial)	C-2 (General Commercial)
North	Motel/Retail Establishment	C (Commercial)	C-2 (General Commercial)
South	Office Building / Parking Garage	C (Commercial)	C-2 (General Commercial)
East	Commercial Retail Establishment	C (Commercial)	C-1 (Limited Commercial)
West	Motel/Convenience Store	C (Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		Y
Downtown Centennial Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		Y
Las Vegas Redevelopment Plan	X		Y
G-O Gaming Enterprise Overlay District	X		Y
A-O Airport Overlay District	X		Y
Beverly Green Southridge Neighborhood Plan	X		Y
Las Vegas Boulevard Scenic Byway Overlay District	X		Y

Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	Y
Project of Regional Significance	X		Y

DEVELOPMENT STANDARDS

Taverns Within a 1,500-Foot Radius				
Location	License Number	Still Active?	Current Use	Separation Distance
332 W. Sahara Avenue	L16-00125	No (as of 03/16/09)	Pounder's Sports Lounge (Closed)	1,336 Feet
	L16-99211	Under Review (submitted 05/20/09)	Red Label Bar and Lounge (would replace Pounder's)	1,336 Feet
308 W. Sahara Avenue	L16-00163	Yes	Golden Steer Steak House	1,336 Feet
2202 Paradise Road	L16-00256	No (as of 09/17/08)	Willy's (Closed)	310 Feet
	L16-96280	Under Review (Submitted 01/05/09)	Doc's Place (would replace Willy's)	310 Feet
2000 S. Las Vegas Boulevard	L16-00147	Yes	Stratosphere Tower Casino and Hotel	420 Feet
2000 S. Las Vegas Boulevard	L16-00167	No (as of 12/01/08)	Polly Esther's (Closed)	420 Feet
2200 S. Las Vegas Boulevard	L16-00226	Yes	Aztec Gold Inn and Casino	205 Feet
2400 S. Las Vegas Boulevard	L16-00082	Yes	Bonanza Mall Liquor	190 Feet

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided Parking		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Motel		1: per room	87				Y*
Tavern	825 S F	1:50 1:200	13				
Wedding Chapel	800 S F	1:150	6				

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Tattoo Parlor	2,500 S F	1:250	10				
Super Liquor	2,000 S F	1:175	11				
Paradise Rentals	1,280 S F	1:250	5				
International Boutique	500 S F	1:175	3				
SubTotal	7,905 S F		130	5	87	5	
TOTAL (including handicap)	7,905 S F		135		92		

* The parking requirements for the subject site were previously adequate at the time of completion, however, based on current Title 19 on-site parking requirements for the various uses, the subject site does not have ample parking; and is therefore parking impaired.

Waivers		
Requirement	Request	Staff Recommendation
No liquor establishment (tavern) may be located within fifteen hundred feet of any other liquor establishment (tavern), church, synagogue, school, child care facility licensed for more than twelve children, or City park.	A waiver of the distance separation of 1500-foot for the subject property located at 2233 South Las Vegas Boulevard.	Staff recommends approval, however, proposed use must meet the following conditional requirements of 19.04.050.
One space for each 50 square feet of public seating and waiting area (including areas for seating and waiting), plus one space for each 200 square feet of the total remaining gross floor area, with a minimum of ten spaces required.	A waiver of the parking requirements for the subject property located at 2233 South Las Vegas Boulevard	Staff recommends approval, however, proposed use must provide ample parking analysis to show that the use will not further impair the already congested site.

ANALYSIS

This is a request for a Special Use Permit for a for a proposed Liquor Establishment (Tavern) with a waiver of the distance separation of 1500 feet and a waiver of parking requirements to be located at 2233 South Las Vegas Boulevard. Title 19.20.020 defines a Liquor Establishment (Tavern) as a facility which sells alcoholic beverages for consumption on the premises where the same are sold and authorizes the sale, to consumers only and not for resale, of alcoholic beverages in original sealed or corked containers, for consumption off the premises where the same are sold. The proposed Tavern hours of operation will 24 hours.

Listed are the applicable conditions as listed in Title 19.04.050 for a Liquor establishment (Tavern):

- (1) Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring both a minimum separation between liquor establishments (tavern), and a minimum separation between a liquor establishment (tavern) and certain other uses that should be protected from the impacts associated with a liquor establishment (tavern). Therefore, except as otherwise provided below, no liquor establishment (tavern) may be located within fifteen hundred feet of any other liquor establishment (tavern), church, synagogue, school, child care facility licensed for more than twelve children, or City park.
- (2) The distance separation referred to in Paragraph (1) shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed liquor establishment (tavern) which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed liquor establishment (tavern). The distance shall be measured in a straight line without regard to intervening obstacles.
- (3) For the purpose of Paragraph (2), and for that purpose only:
 - (a) The “property line” of a protected use refers to the property line of a fee interest parcel that has been created by an approved and recorded parcel map or subdivision map, and does not include the property line of a leasehold parcel; and
 - (b) The “property line” of a liquor establishment (tavern) refers to:
 - (i) The property line of a parcel that has been created by an approved and recorded parcel map or commercial subdivision map; or
 - (ii) The property line of a parcel that is located within an approved and recorded commercial subdivision and that been created by a recorded of survey or legal description, if:
- (4) The distance separation requirement set forth in Paragraph (1) does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having two hundred or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of two hundred guest rooms after July 1, 1992.
- (5) The distance separation requirement set forth in Paragraph (1) may be waived in accordance with the provisions of Subsection 19.04.050(A)(4), but only in connection with a proposed liquor establishment (Tavern) that:

- (a) Will be located on a parcel within the C-V District, the Parkway Center District within the Downtown Centennial Plan, the Gaming Enterprise Overlay District or the Downtown Casino Overlay District;
 - (b) Will be located on a parcel or within a building that, pursuant to State law or City ordinance, has been designated as historic property, historic building, or landmark; or
 - (c) Will be separated from the existing use by a street or highway with a minimum right-of-way width of one hundred feet.
- (6) The use shall conform to the provisions of LVMC Chapter 6.50.

This is request for a Special Use Permit for a Liquor Establishment (Tavern) is an appropriate use for the location, as it is within the Downtown Centennial Plan area where a mixture of uses is encouraged to promote cultural, entertainment, culinary and other opportunities for both tourists and residents alike. A Waiver of the required distance separation from similar uses is required, and may be permitted pursuant to Bill 2009-18, which was adopted on the 06/03/09 City Council agenda. This bill allows for a Waiver of the required distance separation for those properties located with the G-O (Gaming Enterprise Overlay) District, and would apply to the subject site. The site surrounding the proposed Tavern consists of six Liquor Establishments, most within a minimum distance of 450-foot (walk-in) distance.

The floor plan for the proposed uses shows one restroom – it not clear whether the restroom is to service the staff or the customers. There plan also show inadequate access route for getting to the restroom. This issue has being referred to Code Enforcement. Staff recommends approval because area is can be conducted in a manner that is compatible with the existing surrounding land uses, and with future land uses.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed land use can be conducted in a manner that is compatible with the existing surrounding land uses, and with future land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

Yes, the subject site is physically suitable for the type and intensity of land use proposed.

3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”

Adequate access to the site is provided by existing driveways from Las Vegas Boulevard. Both Sahara Avenue and Las Vegas Boulevard are designated as 100-foot Primary Arterials. Site access and circulation will negatively impact adjacent roadways or neighborhood traffic.

4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”

The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare. It will not be inconsistent with the overall objectives of the General Plan.

5. The use meets all of the applicable conditions per Title 19.04.

The use meets all applicable conditions per Title 19.04.

PLANNING COMMISSION ACTION

There was one additional approval to this project at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 761 by City Clerk

APPROVALS 2

PROTESTS 4